

Arlington Defends Its Rejections

Negro Attorneys Attack Action in Court Arguments

By Robert E. Baker
Staff Reporter

The Arlington School Board yesterday defended and Negro attorneys — armed with expert witnesses — attacked the Board's rejection of 30 Negro applicants for admission to white schools.

The testimony marked the second day of Arlington's school desegregation case before Judge Albert V. Bryan

in Alexandria Federal Court, as attorneys for the Negro pupils sought to prove the School Board rejected the applications primarily on the grounds of race.

Judge Bryan will resume the hearing this morning at 9:30.

A psychologist took sharp issue with the School Board's rejection of 12 Negro applicants for psychological reasons.

James H. Bayton, professor of psychology at Howard University, testified that the records of seven pupils showed no evidence of psychological problems.

"The very opposite picture emerges in some cases," he said.

He conceded the records of five other Negroes raised the possibility of psychological or adjustment problems, but insisted further diagnosis would be necessary before any competent conclusion could be reached.

School board officials, faced with a state school-closing law, on Tuesday told Judge Bryan that the rejections fell within five grounds: Improper attendance areas, overcrowding at Washington-Lee High School, academic deficiency, psychological problems and inability to adapt to a new situation.

Many of the 30 rejections fell within two or three categories.

Rebuttal testimony yesterday brought out the following:

- Thomas H. Henderson, dean of Virginia Union University in Richmond, said his study of the 22 pupils who allegedly failed to meet academic standards showed all but four of them were qualified.

- Harry J. Walker, professor of sociology at Howard Uni-

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versity, said he believed "Arlington, with its per capita wealth, high level of education and low percentage of Negroes, could have desegregation much easier than Washington, D. C."

Barnard Joy, School Board member, testified the Board relied on studies of the applications by Cyril Mill, psychologist for the Virginia Department of Mental Hygiene, in rejecting 12 Negroes for psychological reasons or for an inability to adjust.

But Bayton, called as an expert witness by attorneys for the Negroes, went into each such rejection in court.

One case—names are not used in the testimony—was rejected for an alleged inability to adjust. Bayton said, but

noted Mill's conclusion of his study of the student's records showed an "apparently good" adjustment ability.

Another rejection—Case 7—was denied admission for the same reason. But Bayton said the child's record, as gathered by Arlington authorities, cited him as "showing pride in achievement, friendly, liked by every one."

Case 20 was noted as "extremely withdrawn" in 1952. But Bayton showed his 1958 record cited him as "friendly, kind, cooperative, practices good citizenship."

Of the five cases where a psychological problem was shown possibly to exist, Bayton said:

"No competent psychologist could make a final determina-

tion without further study."

Henderson, who qualified as an expert witness in education, also went into each rejection case in which the School Board had cited academic deficiency.

Such was Case 9. Henderson pointed out this student was a year ahead of his grade according to the results of the standard California Achievement Tests in his school file.

The student, who has studied in France, had IQ results ranging from 105-114 and last term received a report card with six A's, three B's and one C.

"I'd certainly say the student was qualified for transfer to the next grade," said Henderson.

Academic deficiency also was cited by the Board in re-

jecting Case 2. But Henderson pointed out the student had an "exceptionally high" IQ ranging from 126-137.

"Well qualified," said Henderson.

Academic deficiency was the sole reason that Case 5 was rejected. Henderson conceded the pupil had a low IQ and was a year behind the national average in achievement.

But he noted the student was due to advance a grade and said he should tentatively be assigned. If experience showed he couldn't keep up, Henderson said, the student should be given remedial work or depressed a grade.

Only three other rejections, Henderson said, would fall into the same category. The rest, he testified, either had a

good or reasonable chance to succeed.

On cross examination, Frank L. Ball, attorney for the School Board, asked Henderson if it would be better for Negroes needing remedial work to stay in a Negro school without "strange and unusual surroundings."

"They need remedial help more than staying with people they know," Henderson replied.

Walker, a researcher in race relations, testified that his study of desegregation in Washington, D. C., showed Negroes found the work more difficult "but measured up to the challenge."

He noted that several million Negroes have migrated from the segregated South to the integrated North since 1918 and successfully made the adjustment to a different situation.

The second day of the hearing opened with Judge Bryan clarifying the issue. He said the question was whether there was evidence to support the School Board's refusal to assign Negroes to white schools, or whether the board's action was "capricious, arbitrary and unlawful."

Still to be decided as the hearing moves into its third day today is the question whether the School Board is responsible for making assignments or whether the State Pupil Placement Board—set up as part of Virginia's "massive resistance" laws—"has sole authority."

The School Board made its own assignments in case Bryan rules as he did last year, the State agency does not have authority in the Arlington case.

In earlier testimony yesterday, Board member Joy conceded that six Negroes who

applied to Stratford Junior High School were rejected as a group without individual consideration.

Although at least one of the group had an achievement standing close to the average at Stratford, Joy said that, as a group, the six Negroes would be in the bottom 15 per cent at Stratford.